

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) CASE NO. 05-189 M  
v. )  
JASON OWEN PAUL, ) DETENTION ORDER  
Defendant. )

Offense charged: Assault with a Dangerous Weapon, in violation of Title 18, U.S.C., Sections 113(a)(3) and 1153(a).

Date of Detention Hearing: May 5, 2005.

The Court, having conducted a contested detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions, which Defendant can meet, will reasonably assure the appearance of Defendant as required and the safety of any other person and the community. The Government was represented by Tessa Gorman. The defendant was represented by Robert Gombiner.

The Government argued for detention based on elements of danger to the community and risk of flight. The instant offense involves a drug transaction “gone bad”, and the firearm allegedly used during the altercation has not yet been recovered. The Government expressed concern of the defendant’s possible access to this firearm. The Government argued that the defendant could not be located after the incident and did not surrender for one month. Additionally, the Government argued that the defendant has no stable residence, no employment stability, and has admitted to the use of cocaine, methamphetamine, and heroin.

The defense argued for release based on the fact that the defendant eventually surrendered

DETENTION ORDER  
PAGE -1-

1 to a tribal officer after the alleged incident. Additionally, defense stated that the defendant does in  
2 fact have a stable residence and poses no risk of flight as he and his girlfriend are preparing for the  
3 birth of their first child.

4 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

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6 (1) The defendant's lack of current employment, coupled with his unstable residence  
7 and admitted substance abuse is significant when weighing the risk of flight and  
8 danger.

9 (2) Additionally, from a reading of the Complaint, witness statements to the FBI  
10 support the fact that the defendant would have known at the time of the offense  
11 that a crime had occurred, yet he fled the scene after the incident and did not  
12 surrender for one month.

13 (3) The firearm allegedly used in the instant offense has not yet been located which  
14 also poses a danger to the community.

15 (4) The foregoing assessments support the conclusion the defendant poses both the  
16 risk of flight and danger to the community.

17 Thus, there is no condition or combination of conditions that would reasonably assure  
18 future court appearances.

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20 It is therefore ORDERED:

21 (1) Defendant shall be detained pending trial and committed to the custody of the  
22 Attorney General for confinement in a correctional facility separate, to the extent  
23 practicable, from persons awaiting or serving sentences, or being held in custody  
24 pending appeal;

25 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
26 counsel;

1 (3) On order of a court of the United States or on request of an attorney for the  
2 Government, the person in charge of the correctional facility in which Defendant  
3 is confined shall deliver the defendant to a United States Marshal for the purpose  
4 of an appearance in connection with a court proceeding; and  
5 (4) The clerk shall direct copies of this order to counsel for the United States, to  
6 counsel for the defendant, to the United States Marshal, and to the United States  
7 Pretrial Services Officer.

8 DATED this 6<sup>th</sup> day of May, 2005.

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11 MONICA J. BENTON  
12 United States Magistrate Judge  
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